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Giuseppe Diomelli

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EXAMINER

HOQUE, NAFIZ E

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,210	<b>Applicant(s)</b> DIOMELLI, GIUSEPPE	
	<b>Examiner</b> NAFIZ E. HOQUE	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings of figures 1 and 4 are objected to under 37 CFR 1.83(a) because they fail to show numbered elements label with legend/description as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepare new drawings. MPEP § 608.02(d). Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-13, 17-28, 30-31, and 35-38, are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. (US 6,661,877).

Regarding claims 1 and 20, Lee discloses a method/apparatus for initiating, receiving, controlling and managing different types of synchronous and asynchronous communications over LAN, WAN and Internet networks, comprising the steps of:

providing Communications Devices and/or Terminals for permitting one or more users to transmit and receive synchronous and asynchronous communications (fig. 1; col. 3, line 56 - col4, line 7);

providing Network Servers (fig. 1, element 11) and Local Area Network infrastructures (fig. 1, element 13) for transporting data and all the communications between the said Communications Devices and/or Terminals; wherein all the inbound and outbound communications are initiated, received, controlled and managed by using an Internet Web Browser, said operations being performed without using any a traditional telephone switchboard or exchange system of the PBX, PABX, and IPPBX type (col. 4, lines 40-46).

Regarding claim 2, Lee discloses wherein all said inbound and outbound communications are initiated, received, controlled and managed employing only one central processor or Network Server of a single Local Area Network LAN (fig. 1, element 11).

Regarding claim 3, Lee discloses wherein said inbound and outbound communications include both synchronous and asynchronous communications (fig. 1).

Regarding claim 4, Lee discloses wherein all said inbound and outbound communications, are initiated, received, controlled and managed either individually and/or by mixing two or more simultaneous communications (fig. 1, element 11 – network server).

Regarding claim 5, Lee discloses wherein said inbound and outbound communications are initiated, received, controlled and managed, even mixing different types of all said communications (col. 4, lines 8 - 19).

Regarding claim 6, Lee discloses wherein said inbound and outbound communications include the communications from Communications Devices and/or stand alone Terminal devices situated in remote locations, or devices associated with other remote LANs, said Communications Devices or Terminals being connected, through digital networks, including the Internet, to the Local Area Network LAN to which said central electronic processor or Network Server is associated, said remote Communications Devices and/or Terminals interacting through said central processor or Network Server, both amongst themselves and with the Communications Devices and/or Terminals connected to said Local Area Network LAN (fig. 1).

Regarding claim 7, Lee discloses wherein said inbound and outbound communications are effected, through direct and/or indirect connections, between said central processor or Network Server and the communications terminals of public and private communications networks for wired telecommunications and video communications as well as the communications networks for wireless telecommunications or video communications and satellite networks (fig. 1).

Regarding claim 8, Lee discloses wherein said inbound and outbound communications are effected between the Communications Devices and Terminals, connected to said LAN or to remote LANs and/or the Internet or satellite networks, and the communications terminals of the users of said public and private communications networks for wired telecommunications and video communications as well as the communications networks for wireless telecommunications or video communications (fig. 1).

Regarding claims 9 and 22, Lee discloses wherein each communication channel of all said inbound and outbound communications is activated, controlled and managed by using a single software program equipped with a single central software nucleus (KERNEL) installed on said single central processor or Network Server, and by using Browser interactive graphic interfaces enabled by a section (Web Services) of said central processor or network server and displayed on the visual display panels of the Communications Devices or Terminals connected to said Local Computer Networks LANs, satellite networks, the Internet or other networks (fig. 1, fig. 6a, fig. 7).

Regarding claim 10, Lee discloses wherein operating functions for the management of different types of communications and display of data pertaining to a caller and a party called, as well as other data pertaining to the said ongoing communications, are activated through access to specific sections of a Database by using an Internet Web Browser, said Web Browser comprising at least one graphic toolbar featuring two distinct groups of interactive icons.

Regarding claim 11, Lee discloses wherein all said inbound and outbound communications are activated, controlled and managed by using an Internet Web Browser and employing Personal Computers and/or standard telephones, without using any specific communications equipment custom-designed to support said functions of activating, receiving, controlling and managing different types of communications (fig. 7).

Regarding claim 12, Lee discloses wherein all said inbound and outbound communications are effected among Communications Devices, Terminals, and Personal Computers connected to LANs, to the Internet, to satellite networks, or to other networks, regardless of the type of operating system used to drive said Devices, Terminals and Personal Computers (Fig. 7 – web based so it can operate in many OS).

Regarding claims 13 and 25, Lee discloses logging and storing in a single database all data pertaining to all communications effected through any Communications Device and/or Terminal connected to and/or interacting with said LAN or group of LANs, or satellite network, or other networks (fig. 1, element 11).

Regarding claim 17, Lee discloses wherein all said types of communications to and from the communications terminals connected to public and private communications networks for wired and wireless telecommunications and video communications, satellite or other networks, are initiated, received, controlled and managed, through the use of an Internet Web Browser installed on the Communications Devices and Terminals that may be either stand alone or connected to LANs situated in remote locations and in any event connected through digital networks or the Internet, to the Local Area Network LAN that incorporates said central processor or Network Server (figs. 1 and 7).

Regarding claims 18 and 36, Lee discloses wherein all said types of communications are initiated, received, controlled and managed, even between Communications Devices and/or Terminals situated in remote locations either stand-alone or connected to LANs situated in remote locations, themselves connected to the LAN that incorporates said central processor or Network Server, through digital networks or the Internet (fig. 1).

Regarding claims 19 and 37, Lee discloses wherein, an Internet Web Browser incorporating one or more Toolbars is used to initiate, receive, control and manage all said types of communications from any Communications Device or Terminal connected to the LAN and equipped or associated with a visual display panel, with one or more simultaneous outbound calls being sent automatically or manually by the caller over various telecommunications and/or video communications networks so as to reach the party called connected to another LAN, such called party being able to use the method



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and the Internet Web Browser incorporating one or more Toolbars to initiate, receive, monitor and manage one or more simultaneous telecommunication and/or video communication calls (fig. 7; col. 7, lines 46 - col. 8, line 6).

Regarding claim 21, Lee discloses wherein said central processor or Network Server includes means for interacting, through direct and/or indirect connections, with public and private communications networks for wired and wireless telecommunications and video communications, and satellite networks, such central processor or Network Server accordingly being capable of connecting with the communications terminals of the users of said networks as well as of connecting the latter with the Communications Devices and Terminals connected to LANs, satellite networks or the Internet (fig. 1).

Regarding claim 23, Lee discloses comprising a means for using an Internet Web Browser to display and/or make available the initiation, reception, control and management of said overall communications on Communications Devices and/or Terminals used by users, without using any specific communications equipment custom-designed to support the aforesaid functions of initiating, receiving, controlling and managing said overall communications (fig. 7).

Regarding claim 24, Lee discloses a Personal Computer Devices connected to Local Area Networks LANs, to the Internet, to satellite networks, or to other networks, regardless of the operating system used to drive said Devices, Terminals and Personal Computers (fig. 1, element 14).

Regarding claim 26, Lee discloses wherein said central processor includes: logical-functional sections designed to support and manage all said types of communications (fig. 3);

and at least one section for the storage, in a single centralized Database, of the settings associated with said devices as well as of the log of the historical data pertaining to the said communications (fig. 4; fig. 7 - list of messages).

Regarding claims 27 and 28, Lee discloses wherein said logical-functional sections are dedicated: to interfacing said apparatus with the Communications Devices and/or Terminals connected to said local area network LAN, to wired and wireless telecommunications networks as well as to other computer networks, including the Internet (fig. 1); to managing said communications between the Communications Devices and/or Terminals connected to said local area network LAN and between said Communications Devices and/or Terminals and the telecommunications networks and other computer networks (fig. 1); to logging the historical data pertaining to the communications managed by said apparatus (fig. 7 - list of messages); to displaying on the visual display panels of the Communications Devices and/or Terminals connected to the computer networks, the interactive graphic interfaces and to managing such interfaces so as to allow, using standard browser methodology, access to and the activation of the operating functions of said apparatus (fig. 7).

Regarding claim 30, Lee further discloses limitations of the claim in fig. 1, col. 3, lines 56 - col.4, lines 7.

Regarding claim 31, Lee discloses wherein the access to specific sections of said Database and the activation of the operating functions of said apparatus as well as the display of the data pertaining to the called party and the caller, and other data pertaining to the call underway, are enabled through interacting with two distinct groups of icons that appear on the Internet Web Browser displaying a graphical toolbar (fig. 7).

Regarding claim 35, Lee discloses comprising means for using an Internet Web Browser to enable, receive, control and manage all said types of communications to and from communications terminals connected to public and private communications networks for wired and wireless telecommunications and video communications, satellite or other networks, even through Communications Devices and Terminals that may be either stand alone or connected to LANs situated in remote locations and in any event, connected through digital networks or the Internet to said Local Area Network LAN that includes said central processor or Network Server (figs. 1 and 7).

Regarding claim 38, Lee discloses limitations of the claim in fig. 7.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14-16 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US 6,661,877) in view of Robinson et al (US 6,141,411).

Regarding claim 14-16 and 32-34, Lee discloses the limitations of claim 1.

Lee does not disclose the step of routing each call only after the system has automatically searched for and selected the cheapest communications network available for each type of communication placed from Communications Devices.

Robinson discloses the step of routing each call only after the system has automatically searched for and selected the cheapest communications network available for each type of communication (Robinson, fig. 1; col. 6, lines 10-60; col. 7, lines 7-col. 8 line 7) placed from Communications Devices and/or Terminals.

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Lee to include routing thru cheapest communications as taught by Robinson in order to lower the cost of calls for the customer.

6. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US 6,661,877) in view of Balasuriya (US Pub 2003/0041048).

Regarding claim 29, Lee discloses wherein said Communications Devices and/or Terminals connected to the local area network LAN include the following: a Personal Computer or Client Processor, an IP Phone, a Palmtop PDA Computer that may be fitted with a loudspeaker and microphone, a Personal Computer or Client Processor fitted with headphones, a microphone and a webcam, a POTS analogue phone, a standard analogue fax machine, a Router with or without a firewall, a Communications Device and/or Terminal enabling transmission and reception via satellite, connected to the LAN through the Router, a Personal Computer or Client Processor, connected to the

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Internet, and fitted with headphones, a microphone and a webcam, a telephone Device or Terminal for the public wireless telecommunications network (fig. 1; col. 3, lines 56-col.4, lines 7).

Lee does not disclose a Communications Device and/or Terminal enabling transmission and reception via satellite, connected by satellite to the Communications Device and/or Terminal.

Balasuriya discloses a Communications Device and/or Terminal enabling transmission and reception via satellite, connected by satellite to the Communications Device and/or Terminal (Para 0020).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Lee to include satellite communications as taught by Balasuriya in order to add another form of communications.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAFIZ E. HOQUE whose telephone number is (571)270-1811. The examiner can normally be reached on M-F Alternate Fridays Off 7:30 - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nafiz E Hoque/

/Ahmad F MATAR/  
Supervisory Patent Examiner, Art Unit 2614